

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
D.P. MARSHALL JR., JUDGE

DIVISION I

CACR07-486

13 February 2008

JERRY STEWART,
APPELLANT

v.

STATE OF ARKANSAS,
APPELLEE

AN APPEAL FROM THE SALINE
COUNTY CIRCUIT COURT
[CR-05-146-3]

THE HONORABLE W. H. “DUB”
ARNOLD, SPECIAL CIRCUIT JUDGE

AFFIRMED

After Jerry Stewart pleaded guilty to his fourth DWI offense, the circuit court sentenced him to two years in prison followed by a two-year suspended imposition of sentence. He was paroled from the Arkansas Department of Correction in May 2006. In September 2006, the State filed a petition to revoke Stewart’s suspended sentence. It amended the petition twice in the next few months. The State alleged that Stewart had violated the conditions of his suspended sentence by, among other things, drinking alcohol. Stewart moved to dismiss the petition. He argued that his suspended sentence would not begin until his parole ended in August 2007, and therefore the court lacked jurisdiction to revoke his suspended sentence. The circuit court rejected this argument. It revoked

Stewart's suspended sentence, finding sufficient evidence that he had consumed alcohol in violation of the terms of his suspended sentence.

Stewart appeals, renewing his jurisdictional argument against revocation.

Stewart's challenge to the trial court's authority to revoke his suspended imposition of sentence is foreclosed by our statutes about this issue and the cases interpreting them. His suspension period began the day that he was lawfully set at liberty from the Arkansas Department of Correction. Ark. Code Ann. § 5-4-307(c) (Repl. 2006). This court has interpreted this statute to mean that a suspended sentence begins to run on the date a defendant is released on parole. *Chadwell v. State*, 80 Ark. App. 133, 134–35, 91 S.W.3d 530, 531 (2002). Stewart thus became subject to the conditions imposed under his suspended sentence in May 2006. And the circuit court had jurisdiction thereafter to revoke his suspended sentence when he violated those conditions. Because Stewart does not challenge the sufficiency of the evidence supporting the revocation, we do not address that issue.

Affirmed.

HART and BIRD, JJ., agree.